

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 2000-094270

09/06/2007

HONORABLE ARTHUR T. ANDERSON

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

JOHN SCOTT EVANS

v.

KEVIN R DUNPHY (A)

CCC PUBLIC DEFENDER-

VICTIM SERVICES DIV-CA-SE

MINUTE ENTRY

The Court has reviewed and considered the Defendant's Motion to Correct Clerical Errors, State's Response and Defendant's Reply.

The Court also reviewed and considered Defendant's Amended Motion to Correct Clerical Error, the State's Response and Defendant's Supplemental Documents Regarding Motion to Correct Clerical Error in Credit for Time Served.

The State acknowledges in its Response that the DNA fee assessment was erroneously assessed twice and that the error was corrected in a Petition to Modify Terms or Regulations of Probation & Order signed by the Court on July 9, 2004 by deleting **Condition #12p**: "DNA System Fund be deleted." The modification Order signed on July 9, 2004 affirmed **Condition #12k**: "The defendant pay DNA Fund in the amount of \$500.00 in payment not less than \$10.00 beginning August 1, 2004. Funds paid to date shall be credited." Therefore, the record establishes that the Defendant was only charged one fee for DNA testing.

IT IS THEREFORE ORDERED affirming the Court's Order signed July 9, 2004 whereby affirming the monetary assessment under **Condition 12k** only.

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The Court has considered the Defendant's assertion that he should be entitled to an additional 39 days presentence credit. In the State's Response, the State concedes an error but argues the presentence credit should be 38 days.

The Court's minute entry dated November 27, 2001, states, “

“IT IS FURTHER ORDERED Defendant shall be remanded to the custody of the Sheriff pending further order of the court.

“IT IS FURTHER ORDERED that the Defendant be confined in the Maricopa County Jail for a period of six months commencing November 28, 2001 not to be released until May 27, 2001.

“Defendant may be considered for placement in a furlough program.

“IT IS FURTHER ORDERED Defendant shall be incarcerated on November 28, 2001 to serve his deferred jail time until further order of the Court.”

In reading the minute entry as a whole, the Court makes a determination that the Defendant reported for deferred jail time on November 28, 2001.

IT IS THEREFORE ORDERED, *nunc pro tunc*, correcting the minute entry dated September 18, 2006 to reflect an additional 38 days presentence credit.